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Part II

Environmental Protection Agency

Protest of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1980

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-1847-4]

Protest of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1980

This notice publishes the 1980 subject index list for EPA Regional Administrator Protest Determinations. these determinations have been made under the EPA protest procedure set forth at 40 CFR 35.939.

This is the fourth EPA subject index and lists only the bid protest determinations issued during calendar year 1980. The first index, listing Regional Administrator protest determinations issued during the period 1974 through 1977, was published at 43 FR 29086–95 (July 5, 1978). This was supplemented by the index of 1978 protest determinations published at 44 FR 25812–18 (May 2, 1979) and the index of 1979 protest determinations published at 45 FR 58770–74 (September 4, 1980).

In 1980, 80 determinations were issued by EPA Regional Administrators. Each determination has been cited in this subject index by Grantee and State and includes a notation of the EPA Region in which the protest arose, the date of the determination, and the protester's name.

A brief descriptive parenthetical reference has been added to each citation.

Copies of the issued protest determinations may be obtained from any EPA Office of Regional Counsel or from the headquarters source identified below.

Interested parties are invited to submit comments concerning any improvement or correction to the subject index list to Lee DeHihns, Acting Assistant General Counsel, Grants (A-134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460. Comments should be made within sixty (60) days of this publication.

FOR FURTHER INFORMATION CONTACT: Stephen M. Sorett, Esquire, Grants, Contacts, and General Administration Division (A-134); Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460; (202) 755-8108.

Mary Doyle,
Acting General Counsel (A-130).
May 29, 1981.

Ambiguity

1. San Buenaventura, CA (IX, 3-28-80) (A. A. Portanova & Sons) (difference between unit price and extended total).
2. Glennville, GA (IV, 4-4-80) (J. W. Meadors and Company) (unsolicited discount).
3. Port Austin Area Water and Sewer Atuhority, MI (V, 7-2-80) (Amado Cardenas, d/b/a Nashville Excavating Company) (MBE efforts prior to bidding).
4. Newaygo County Board of Public Works, MI (V, 7-21-80) (M. D. Taddie & Company, Inc.) (discount applied to single contract).
5. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Corporation) (MBE effort prior to bidding).
6. Newaygo County Board of Public Works, MI (V, 7-28-80) (R. S. Bennett & Company) (prequalified equipment to comply with specifications).
7. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (difference between unit price and extended total).

A/E Procurement

1. Northwest Bergen County Sewer Authority, NJ (II, 1-10-80) (URS/MSR Engineers, Inc.) (oral interview, cost submission).
2. Hudson County Utilities Authority, NJ (II, 3-31-80) (E&R Engineers Limited) (time to protest).
3. San Antonio, TX (VI, 7-15-80) (Camp Dresser and McKee, Inc.) (terminate negotiations with initial selectee).
4. Vista Sanitation District/Encina Joint Powers, CA (IX, 7-30-80) (Don Todd Associates) (cost in evaluation).
5. Vista Sanitation District/Encina Joint Powers, CA (IX, 9-19-80) (Don Todd Associates) (reconsideration, reevaluate proposals).
6. Southwest Florida Regional Planning Council [Fort Myers], FL (IV, 12-3-80) (Jones, Edmunds and Associates/Missimer & Associates) (evaluation).

Award—Prime Contract

No entries.

Bid Shopping

1. Hastings, NE (VII, 3-7-80) (Horizon Construction Company; Olson Contruction Company) (failure to list MBE subs).
2. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to list MBE subs).
3. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (equipment substitution).
4. Glennville, GA (IV, 4-4-80) (J. W. Meadors and Company) (Failure to list suppliers).
5. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (failure to list MBE subs).
6. County of Nassau, NY (II, 8-7-80) (Komline-Sanderson Engineering Corporation) (substitution for listed equipment).
7. San Jacinto River Authority [Woodlands], TX (VI, 10-3-80) (Industrial Contractors, Inc.) (listing of MBE subs).
8. DuPage County [Department of Public Works], IL (V, 12-15-80) (Paschen Contractors, Inc.) (failure to list subs).
9. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (failure to list subs).

Bids

A. Late

No entries.

B. Modification

1. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (limiting time to accept bid).

C. Unbalanced

1. Glennville, GA (IV, 4-4-80) (J. W. Meadors and Company) (not automatically rejected).
2. Branford, CT (I, 5-28-80) (C. H. Nickerson & Co.) (zero unit price deduct).

Bonds

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (bid bond not signed by principal).
2. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (bid bond not submitted).
3. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (bid bond as a percentage of bid).

Burden of Proof

1. DeKalb County, GA (IV, 2-29-80) (Southeast Grading, Inc.) (on procurement agency in award to other than low bidder).
2. Cordele, GA (IV, 5-1-80) (Franklin Aluminum Division/Hoover Universal, Inc.) (on protester in restrictive specification claim).
3. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (on procurement agency if low bidder is nonresponsive).
4. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (on protester to show violation of procurement principles).

Buy American Act Requirements

No entries.

Choice of Law

A. General

No entries.

B. Fundamental Federal Procurement Principles

1. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (bid rejection for failure to acknowledge wage rate addendum).
2. Alma, NE (VII, 9-4-80) (William Anderson Company, Inc.) (bidders advised of basis for evaluation).

C. GAO Decisions—Effect of

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (absence of state law).

D. State Law

1. Mount Holly Sewerage Authority, NJ (II, 2-8-80) (Neshaminy Constructors, Inc.) (State Court action).

2. Metropolitan Sanitary District of Greater Chicago, IL (V, 2-27-80) (Shea-Kiewit) (post-award contract claim).

3. Hastings, NE (VII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (State Open Meeting law).

4. Whiteville, NC (IV, 3-26-80) (Astor Bolden Enterprises, Inc. T/A Quality Sanitary Services Co.) (contractor bidding license, number of bids).

5. Sacramento Regional County Sanitation District, CA (IX, 5-9-80) (Burdick Contractors, Inc.) (state law on bid mistake).

6. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (bid withdrawal).

7. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (state law does not require award to low bidder).

8. Northeast Ohio Regional Sewer District, OH (V, 9-4-80) (D. E. Williams Electric, Inc.) (relief for bid mistake).

9. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (correction of error in unit price).

10. Ashley Valley Sewer Management Board, UT (VIII, 11-26-80) (Van Staveren Construction, Inc.) (state license, dollar bid amount).

11. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (reversal of decision to reject bids).

Competition

A. General

1. Odessa, TX (VI, 2-4-80) (Gifford-Hill and Company) (single pipe material).

2. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (single pipe material).

3. Northeast Ohio Regional Sewer District, OH (V, 10-14-80) (ICI Americas, Inc.) (single material for carbon columns).

B. De Facto

1. Alma, NE (VII, 9-4-80) (William Anderson Company, Inc.) (4 of 8 bidders bid no charge for sealant).

C. Free and Open

1. Cordele, GA (IV, 4-10-80) (Ralph Healey & Associates, Inc.) (manufacturers only).

Conflict of Interest

1. Southwest Florida Regional Planning Council [Fort Myers], FL (IV, 12-3-80) (Jones, Edmunds and Associates/Missimer & Associates) (A/E with contracts to assess and to inspect seawalls).

Davis-Bacon Act

No entries.

Deferral of Procurement Action

No entries.

Descriptive Literature Requirement

No entries.

Enforcement

1. St. Petersburg, FL (IV, 1-10-80) (Municipal and Industrial Pipe Services, Ltd.) (limiting grant eligibility in rebidding).

2. Checotah, OK (VI, 6-18-80) (Sherman Machine and Iron Works, Inc.) (limiting additional cost if equipment reprocured).

Engineering Judgment

1. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Controls Company) (rational basis to reject proposed equal).

2. Odessa, TX (VI, 2-4-80) (Gifford-Hill and Company) (rational basis for single material).

3. Whitehall, NY (II, 2-5-80) (Davis Water & Waste Industries, Inc.) (salient requirement to meet minimum need).

4. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (justification for single material).

5. Puyallup, WA (X, 4-24-80) (Rodding-Cleaning Machines, Inc.) (requirement based on performance need).

6. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (consultant's judgment to be rationally based).

7. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (justification for single material).

8. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (rational performance related basis).

9. Richmond, VA (III, 7-1-80) (Lane Construction Company; Clevepak Corporation) (equipment rejection for performance needs has rational basis).

10. Northeast Ohio Regional Sewer District, OH (V, 10-14-80) (ICI Americas, Inc.) (single material requirement has rational basis).

E.E.O.

No entries.

Evaluation of Bids

1. Mount Holly Sewerage Authority, NJ (II, 2-8-80) (Neshaminy Constructors, Inc.) (deletion of alternate item).

2. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (acceptance of equipment of different size).

3. Soldotna, AK (X, 4-25-80) (Interstate Company) (MBE documents as to positive efforts).

4. Branford, CT (I, 5-28-80) (C. H. Nickerson & Co.) (zero unit price, identical price for alternates).

5. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (cost and performance basis).

6. Newaygo County Board of Public Works, MI (V, 7-21-80) (M. D. Taddie & Company, Inc.) (discount).

7. Newaygo County Board of Public Works, MI (V, 7-28-80) (R. S. Bennett & Company) (equipment efficiency and operating costs).

Experience Requirements

1. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (experience as prequalification factor).

Finality of Administrative Determinations

No entries.

Formal Advertising

No entries.

Grantee Responsibilities

1. Nashville, MI (V, 10-24-80) (Clark Construction Company) (MBE goals, investigation of MBE status).

Innovative and Alternative Technology

No entries.

Judicially Directed Review

No entries.

Jurisdiction

1. Pima County, AZ (IX, 2-20-80) (Ameron) (change order).

2. Metropolitan Sanitary District of Greater Chicago, IL (V, 2-27-80) (Shea-Kiewit) (change order).

3. Suffolk County, NY (II, 3-3-80) (Davis Construction Corp.) (retainage).

4. Metropolitan Sanitary Disrict of Greater Chicago, IL (V, 3-7-80) (Joint Venture of Pora Construction Company and Minority-Majority Construction Company) (delay claim).

5. Metropolitan Sanitary District of Greater Chicago, IL (V, 3-27-80) (Herlihy Mid-Continent Company) (claims).

6. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (Interpace Corporation) (contract interpretation).

7. Portland, OR (X, 6-12-80) (Robbins & Myers, Inc.) (change order).

8. County of Nassau, NY (II, 6-7-80) (Komline-Sanderson Engineering Corporation) (equipment substitution).

9. Portland, OR (X, 8-7-80) (Robbins & Myers, Inc.) (change order).

10. Northeast Ohio Regional Sewer District, OH (V, 9-4-80) (D. E. Williams Electric, Inc.) (State law as to remedy for bid mistake).

Minority Business Enterprise

1. DeKalb County, GA (IV, 2-29-80) (Southeast Grading, Inc.) (good faith negotiations).

2. Hastings, NE (VII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (falure to list MBE subs is curable).

3. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to list MBE subs is curable).

4. Huntsville, TX (VI, 4-18-80) (Angleton General Mechanical, Inc.) (failure to furnish documentation of positive efforts is curable).

5. Burlingame, CA (IX, 4-25-80) (Pat Kennelly Construction Company) (failure to contact assistance center can be waived).

6. Soldotna, AK (X, 4-25-80) (Interstate Company) (failure to file MBE for with bid is curable).

7. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (specifications ambiguous in requiring positive efforts prior to bidding).

8. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (specifications ambiguous in requiring positive efforts prior to bidding).

9. Toledo, OH (V, 7-28-80) (Minority Earth Movers, Inc.) (MBE policy does not extend to WBE).

10. Rockford, MI (V, 8-1-80) (Nagel Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (timeliness).

11. Albert Lea, MN (V, 9-18-80) (Orvedahl Construction, Inc.; Centennial Contractors Corp.; Johnson Brothers Corp.) (Grantee can make responsiveness dependent on pre-bid positive efforts).

12. San Jacinto River Authority [Woodlands], TX (VI, 10-3-80) (Industrial Contractors, Inc.) (goal attainment or positive efforts go to responsibility).

13. Nashville, MI (V, 10-24-80) (Clark Construction Company) (grantee can make MBE data a matter of responsiveness).

14. Webster, TX (VI, 10-31-80) (LEM Construction Company, Inc.) (positive efforts).

15. DuPage County [Department of Public Works], IL (V, 12-15-80) (Paschen Contractors, Inc.) (positive efforts).

16. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (MBE documentation as responsibility factor).

17. Bear Creek Valley Sanitary Authority, OR (X, 12-24-80) (Ausland Construction, Inc.) (post-bid efforts to meet MBE goals).

18. Clear Lake City, TX (VI, 12-29-80) (LEM Construction Co., Inc.) (MBE documentation is responsibility factor).

Mistake

1. San Buenaventura, CA (IX, 3-28-80) (A. A. Portanova & Sons) (unit price corrected).

2. Sacramento Regional County Sanitation District, CA (IX, 5-9-80) (Burdick Contractors, Inc.) (State law).

3. Marquette County, MI (V, 8-14-80) (Brumm Construction Company; O'Dovero Construction Company) (change order to cover bid mistake).

4. Northeast Ohio Regional Sewer District, OH (V, 9-4-80) (D. E. Williams Electric, Inc.) (upward adjustment relief as State law issue).

5. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (unit price corrected).

Negotiated Procurement

No entries.

Nonrestrictive Specifications

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors, Inc.) (manufacturers only).

2. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Control Company) (rejection of equipment).

3. Whitehall, NY (II, 2-5-80) (Davis Water & Waste Industries, Inc.) (pump lacks salient feature).

4. Fall River, MA (I, 2-13-80) (Passavant Corporation) (manufacturers only).

5. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (pipe).

6. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (pipe).

7. Cordele, GA (IV, 4-10-80) (Ralph Healey & Associates, Inc.) (manufacturers only).

8. Puyallup, WA (X, 4-24-80) (Rodding—Cleaning Machines, Inc.) (performance requirement).

9. Little Rock, AR (VI, 4-29-80) (Autotrol Corporation) (performance specifications).

10. Cordele, GA (IV, 5-1-80) (Franklin Aluminum Division/Hoover Universal, Inc.) (protester has burden of proof).

11. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (New Holland Newcrete Products Division of New Enterprise Stone & Lime Co.) (national standards).

12. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (single grout material).

13. Checotah, OK (VI, 6-18-80) (Sherman Machine and Iron Works, Inc.) (performance needs).

14. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (cost effectiveness, equipment life).

15. Richmond, VA (III, 7-1-80) (Lane Construction Company; Clevepak Corporation) (performance requirements).

16. Northeast Ohio Regional Sewer District, OH (V, 10-14-80) (ICI Americas, Inc.) (single material).

Patents

No entries.

Prequalification

1. Fall River, MA (I, 2-8-80) (Performance Systems, Inc.) (sludge filter press).

2. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Euramca, Inc.; Komline-Sanderson Engineering Corp.) (belt filter press).

3. Newaygo County Board of Public Works, MI (V, 7-28-80) (R. S. Bennett & Company) (pumps).

Procedure

1. Fall River, MA (I, 2-13-80) (Passavant Corporation) (notice to others).

2. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (moot, premature, readvertise).

3. DeKalb County, GA (IV, 2-29-80) (Southeast Grading, Inc.) (authority to award before resolution of subcontract protests, notice to others).

4. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (short notice of protest hearing, notice to others).

5. Whiteville, NC (IV, 3-26-80) (Astor Bolden Enterprises, Inc. T/A. Quality Sanitary Services, Inc.) (failure to state basis, notice to others).

6. Soldotna, AK (X, 4-25-80) (Interstate Company) (grantee's hearing procedure).

7. Little Rock, AR (VI, 4-29-80) (Autotrol Corporation) (notice to others, raising new issues at EPA review).

8. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (time limits to present evidence).

Program Integrity

No entries.

Rational Basis Test

1. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Control Company) (equipment fails to meet salient requirements).

2. Fall River, MA (I, 2-13-80) (Passavant Corporation) (no performance related rational basis for manufacturers only).

3. Cordele, GA (IV, 4-10-80) (Ralph Healey & Associates, Inc.) (no rational basis for manufacturers only).

4. Puyallup, WA (X, 4-24-80) (Rodding-Cleaning Machines, Inc.) (rational basis to require specific method of mixing grout).

5. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (high quality specifications had rational basis).

6. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (hard abrasive surface for centrifuge had rational basis).

7. Vista Sanitation District/Encina Joint Powers, CA (IX, 7-30-80) (Don Todd Associates) (evaluation of engineering qualifications had rational basis).

8. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (correction of unit price mistake had rational basis).

Reconsideration of Administrative Determinations

1. Pima County, AZ (IX, 3-17-80) (Ameron) (denied if issue is not protestable).

2. Checotah, OK (VI, 7-25-80) (Sherman Machine and Iron Works, Inc. [*Per* Lakeside Equipment Corporation]) (denied if no material factual mistake, new evidence or legal error).

3. Portland, OR (X, 8-7-80) (Robbins & Myers, Inc.) (decision affirmed when no material error of law or fact).

4. Vista Sanitation District/Encina Joint Powers, CA (IX, 9-19-80) (Don Todd Associates) (without new evidence or arguments, no reconsideration to require new RFP rather than new evaluation of prior RFP).

Rejection of All Bids

1. St. Petersburg, FL (IV, 1-10-80) (Municipal and Industrial Pipe Services, Ltd.) (Grantee's financial situation, limit federal share).

2. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (specifications restrictive).

3. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (RA directed, ambiguous MBE specifications).

4. Newaygo County Board of Public Works, MI (V, 7-21-80) (M.D. Taddie & Company, Inc.) (no adverse effect of bid form ambiguity).

5. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (RA directed, ambiguous MBE specifications).

6. Newaygo County Bord of Public Works, MI (V, 7-28-80) (R.S. Bennett & Company) (RA directed, ambiguous MBE specifications).

Responsibility (see also *Responsiveness*)

1. Huntsville, TX (VI, 7-8-80) (Angleton General Mechanical, Inc.) (prior performance).

2. Webster, TX (VI, 10-31-80) (LEM Construction Company, Inc.) (positive MBE efforts).

Responsiveness

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (authority to sign bid, bid bond not signed by principal).

2. Hastings, NE (VIII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (bidder cannot offer different warranty).

3. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (MBE sub listing).

4. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (pump dimensions differing from specifications).

5. Glennville, GA (IV, 4-4-80) (J.W. Meadors and Company) (discount offer, sub listing).

6. Huntsville, TX (VI, 4-18-81) (Angleton General Mechanical, Inc.) (MBE documentation of positive efforts).

7. Soldotna, AK (X, 4-25-80) (Interstate Company) (MBE documentation).

8. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (R.J. Longo Construction Co.) (failure to identify type of pipe to be used).

9. Sacramento Regional County Sanitation District, CA (IX, 5-9-80) (Burdick Contractors, Inc.) (acceptance of part of combination bid).

10. Branford, CT (I, 5-28-80) (C.H. Nickerson & Co.) (zero unit price, identical price for alternatives).

11. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (compliance with specifications).

12. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (MBE sub listing).

13. Newaygo County Board of Public Works, MI (V, 7-21-80) (M.D. Taddie & Company, Inc.) (discount offer).

14. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (MBE sub listing).

15. Newaygo County Board of Public Works, MI (V, 7-28-80) (R.S. Bennett & Company) (prequalified equipment not meeting specifications, efficiency guarantee).

16. Rockford, MI (V, 8-1-80) (Nagel Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (MBE documentation).

17. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (need for bid bond).

18. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (conditional bid, limiting bid acceptance time).

19. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (failure to acknowledge addendum).

20. Alma, NE (VIII, 9-4-80) (William Anderson Company, Inc.) (bid of "free" for bid item).

21. Albert Lea, MN (V, 9-18-80) (Orvedahl Construction, Inc.; Centennial Contractors Corp.; Johnson Brothers, Corp.) (MBE documentation).

22. San Jacinto River Authority [Woodlands], TX (VI, 10-3-80) (Industrial Contractors, Inc.) (failure to attain MBE goal).

23. Nashville, MI (V, 10-24-80) (Clark Construction Company) (MBE documentation).

24. DuPage County [Department of Public Works], IL (V, 12-15-80) (Paschen Contractors, Inc.) (MBE documentation).

25. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (MBE sub listing).

26. Clear Lake City, TX (VI, 12-29-80) (LEM Construction Co., Inc.) (MBE documentation).

Review—Regional Administrator Authority—see Sua Sponte Review

No entries.

Salient Requirements

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors, Inc.) (manufacturers only not performance related).

2. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Controls Company) (equipment will not satisfy needs).

3. Whitehall, NY (II, 2-5-80) (Davis Water & Waste Industries, Inc.) (metal connection was needed performance characteristic).

4. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (hard surface abrasive requirement decreased maintenance cost).

Small Business

No entries.

Sole Source

1. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (not sole source if available from protester).

Specifications

No entries.

Standing

1. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Controls Company) (supplier).

2. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (supplier alleging sole source).

3. Cordele, GA (IV, 5-1-80) (Franklin Aluminum Division/Hoover Universal, Inc.) (supplier alleging restrictive specifications).

4. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (supplier's standing can be recognized by RA).

Sua Sponte Review

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors, Inc.) (restrictive specifications).

2. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (bid evaluation).

3. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (bid evaluation on cost and performance basis).

4. Checotah, OK (IV, 7-25-80) (Sherman Machine and Iron Works, Inc.) (decision need not be based on parties' arguments).

5. Toledo, OH (V, 7-28-80) (Minority Earth Movers, Inc.) (WBE is not MBE).

6. Bear Creek Valley Sanitary Authority, OR (X, 12-24-80) (Ausland Construction, Inc.) (MBE efforts).

Subcontracts—Award

1. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (cancellation of subcontract).

2. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (cost savings in alternate bid).

3. County of Nassau, NY (II, 8-7-80) (Komline-Sanderson Engineering Corporation) (supplier obtains no protest rights by being listed).

Summary Disposition

1. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (moot or premature protest).

2. Pima County, AZ (IX, 2-20-80) (Ameron) (change order).

3. Metropolitan Sanitary District of Greater Chicago, IL (V, 2-27-80) (Shea-Kiewit) (unit price claim).

4: Metropolitan Sanitary District of Greater Chicago, IL (V, 3-27-80) (Herlihy Mid-Contient Company) (contract claim).

5. Hudson County Utilities Authority, NJ (II, 3-31-80) (E&R Engineers Limited) (untimely).

6. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (lengthy submittals preclude dismissal).

7. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (untimely, lack of bid bond).

8. Whitewater, WI (V, 9-22-80) (Nagle-Hart, Inc.) (untimely).

9. Linden Roselle Sewerage Authority, NJ (II, 10-31-80) (Euramca Ecosystems, Inc.) (untimely).

10. Clear Lake City, TX (VI, 12-29-80) (LEM Construction Co., Inc.) (MBE compliance affects responsibility).

Time Limitations

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors Inc.) (written notice to supplier of rejection).

2. Fall River, MA (I, 2-13-80) (Passavant Corporation) (delay aggravated by grantee and EPA).

3. Hudson County Utilities Authority, NJ (II, 3-31-80) (E&R Engineers Limited) (one week to protest and to appeal).

4. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (oral notice of rejection).

5. Little Rock, AR (VI, 4-29-80) (Autotrol Corporation) (before bid opening).

6. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschem; Premier Electric Construction) (notice).

7. Toledo, OH (V, 7-28-80) (Minority Earth Movers, Inc.) (seeking clarification before filing protest).

8. Rockford, MI (V, 8-1-80) (Nagle Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (RA refusal to waive one week appeal limit).

9. Cecil County, MD. (III, 8-11-80) (Hanks Contracting, Inc.) (one week to appeal to RA).

10. Marquette County, MI (V, 8-14-80) (Brumm Construction Company; O'Dovero Construction Company) (prompt action on actual knowledge).

11. Whitewater, WI (V, 9-22-80) (Nage-Hart, Inc.) (59 days after bid opening).

12. Linden Roselle Sewerage Authority, NJ (II, 10-31-80) (Euramca Ecosystems, Inc.) (appeal one month after grantee determination).

13. Dorchester County Sanitary Commission, MD (III, 11-5-80) (Andrews, Miller and Associates, Inc.) (9 days after grantee determination).

14. Newaygo County Board of Public Works, MI (V, 11-7-80) (D. J. Domas, Inc.) (failure to file detailed statement).

15. Bear Creek Valley Sanitary Authority, OR (X, 12-24-80) (Ausland Construction, Inc.) (8 days after bid opening).

Waiver

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (failure to sign bid bond).
2. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to submit MBE forms).
3. Huntsville, TX (VI, 4-18-80) (Angleton General Mechanical, Inc.) (MBE documentation).
4. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (R. J. Longo Construction Co.) (failure to cross out pipe not to be used).
5. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (limiting bid acceptance period and all or none qualification are not waivable).
6. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (failure to acknowledge addendum).

[FR Doc. 81-16851 Filed 6-5-81; 8:45 am]
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Monday, June 8, 1981

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981

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Code of Federal Regulations

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(Correction)

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